

Congress of the United States
Washington, DC 20515

April 27, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Administrator Regan:

Six weeks ago, President Biden signed into law H.R. 1319, the “American Rescue Plan” (ARP, Public Law 117-2). Section 6002 of ARP provides \$100 million to the U.S. Environmental Protection Agency (EPA) for fiscal year 2021 through two separate appropriations “to address health outcome disparities from pollution and the COVID–19 pandemic.”

First, section 6002 appropriates \$50 million for EPA to issue grants, enter into contracts, or conduct other activities that “identify and address disproportionate environmental or public health harms and risks in minority populations or low-income populations” under section 103(b) of the Clean Air Act, section 1442 of the Safe Drinking Water Act, section 104(k)(7)(A) of the Comprehensive Environmental Response Compensation and Liability Act (Brownfields provisions), and sections 791 through 797 of the Energy Policy Act of 2005 (Diesel Emissions Reduction Act provisions). Of these funds, EPA is required to reserve 2 percent (\$1 million) for administrative costs necessary to carry out these activities.

Section 6002 appropriates an additional \$50 million for grants and activities authorized under subsections (a) through (c) of section 103 of the Clean Air Act and section 105 of such Act. Of these funds, EPA is required to reserve 5 percent (\$2.5 million) for these activities other than grants.

Shortly, we will be evaluating the President’s proposed EPA preliminary budget for fiscal year 2022—a requested amount that appears to exceed levels of funding provided to EPA through the appropriations process. In undertaking this review, it is necessary to evaluate EPA’s currently available resources and to assess its ongoing use of federal funding and execution of legal obligations. We request that EPA provide a full accounting to the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works of how EPA has expended and plans to expend any of the \$100 million appropriated to it under section 6002 no later than May 7, 2021, and on an ongoing basis every three months thereafter for as long as funds remain unexpended.

Thank you for your prompt attention to this important matter.

Sincerely,



Shelley Moore Capito
United States Senator
Ranking Member
Committee on Environment
and Public Works



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and
Commerce